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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,363	11/30/2001	Matthew D. Stringer	01219	3488

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EXAMINER

CHIN SHUE, ALVIN C

ART UNIT PAPER NUMBER

3634

DATE MAILED: 12/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/997,363

Applicant(s)

STRINGER, MATTHEW D.

Examiner

Alvin C. Chin-Shue

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-15,17-19,21-28 and 30-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-15,17-19,21-28,30-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1 and 3-14 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification as originally filed does not provide support for the locking means being movable along the longitudinal axis of the pin, note that the locking means is off-set from the pin thus it does not move along the longitudinal axis of the pin.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,3-7,13,14,34,35,40,41,42,43 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Brown. Brown shows an engagement member at 36,38,44.

Claims 1,3-6,13,15,17-19,34,36,40,41,42,43,45, and 46 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Smith.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,3-8 and 13-15,17-19,21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perry '761. Perry shows a handle 66, locking means 69, and means for engagement 58. Although the handle appears to be integral with the securing means, Perry is silent on same, thus to make the handle integral with the pin, would have been an obvious mechanical expedient to facilitated construction.

Claims 1,3-13,34, and 40-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over either McManigal (fig.6) or Calco. To make their handles integral with their pins, would have been an obvious mechanical expedient to facilitated construction. To provide two springs in lieu of their one which functions the same as the claimed two, and to provide a pin as an abut means for the spring as is conventional, would have been an obvious engineering expedient.

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Weiland. Brown shows the claimed device with the exception of the spring. Weiland shows springs for biasing their securing means in a locked position. It would have been obvious to one of ordinary skill in the art at

the time the invention was made to provide Brown with a spring for biasing his securing means in the locked position.

Claims 8-12, 22-33, 38, 47, 48, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Weiland. Smith shows the claimed device with the exception of the spring. Weiland shows springs for biasing their securing means in a locked position. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Smith with a spring for biasing his securing means in the locked position. To provide two springs in lieu of their one which functions the same as the claimed two, and to provide a pin as an abutment means for the spring as is conventional, would have been an obvious engineering expedient.

Claims 11, 12, 25-28, 30-33, 38, and 47-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith and Weiland as applied to claim 10 above, and further in view of Emmertt. Emmertt shows a pin as a spring abutment means. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a pin, in lieu of means 19, for the abutment springs.

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown and Weiland as applied to claim 10 above, and further in view of Emmertt. Emmertt shows a pin as a spring abutment means. It would have been

obvious to one of ordinary skill in the art at the time the invention was made to provide a pin, in lieu of means 19, for the abutment springs.

Claims 3-7,15,17-,19,21,34-37, and 44-46 are rejected under 35

U.S.C. 103(a) as being unpatentable over Brown in view of Smith. Brown shows the claimed device with the exception of the offset portion of the handle. Smith shows a handle with an offset portion at 14 to facilitate gripping coaxially of his securing means. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Brown for his handle to comprise an offset portion adjacent to his securing means to facilitate a coaxial gripping of the handle.

Claims 8-10,22-24, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown and Smith as applied to claims 2 and 15 above, and further in view of Weiland as applied above.

Claims 11,12,25-28,30-33,38,39, and 47-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown, Smith, and Weiland as applied to claim above, and further in view of Emmertt as applied above.

Claims 9,10,23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perry and Weiland as applied above.


Claims 11,12, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perry and Weiland as applied to claim 10 above, and further in view of Emmertt as applied above.

Applicant's arguments filed 8.23.03 have been fully considered but they are not persuasive. With regards to Brown, McManegal, and Calco, applicant stated that neither teaches that the force applied to their handles acts through the center point of the securing pins. It is noted that all their handles are connected to the center point of their pins and any forces applied to their handles act through the point of connection of the handle to the pin. With regards to Smith, Smith's handle and pin is constructed as applicant's handle and pin, so it is unclear how a force applied to the handle does not acts centrally of the pin. Is the force applied to applicant's handle only a pin point force in line with the pins central axis or when one holds the handle the force applied by all the fingers which grasp the handle applies a portion of the forces and the sum of the forces acts wherever the handle is attached to the pin? With respect to the Perry, Perry's outer portion of his handle is off-set with respect to the pin, and having a portion of the handle which is connected to the pin, applicant's handle do have a portion which is not off set with respect to the pin (the connecting portion). With respect to Emmertt, it is the pin 12 which acts as an abutment for the spring 10.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin C. Chin-Shue whose telephone number is 703-308-2475. The examiner can normally be reached on Monday-Friday, 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-3008-1113.



Alvin C. Chin-Shue
Primary Examiner
Art Unit 3634

ACS